

PUBLIC INFORMATION RELEASE

UNITED STATES OF AMERICA

v.

Criminal No.

Rodney T. Hoffman

An indictment was returned today by the Grand Jury for the United States Court for the Southern District of West Virginia meeting at Huntington charging the above defendant(s) with violation of federal law in connection with storage of hazardous waste without a permit.

Pertinent information concerning the defendant is set forth below:

DEFENDANT'S NAME Rodney T. Hoffman AGE 43

ADDRESS Charleston, WV

MARRIED /\_\_\_/ Yes /\_\_\_/ No Employer (if known) \_\_\_\_\_

INVESTIGATING AGENCY U.S. Environmental Protection Agency

CHARGES 42 U.S.C. § 6928(d)(2) & 18 U.S.C. § 2

POSSIBLE PENALTY 5 years, \$50,000 per day of violation for each count

CHARLES T. MILLER  
UNITED STATES ATTORNEY  
SOUTHERN DISTRICT OF WEST VIRGINIA

**PLEASE NOTE:** The Fifth Amendment and applicable Federal law gives a criminal defendant a personal right of Indictment by grand jury for Federal crimes punishable by more than one year imprisonment. An Indictment is a formal, written accusation by a grand jury. The defendant may waive the right to an Indictment, and, if waived, a Federal prosecutor may then charge by Information without grand jury involvement. Federal crimes punishable by less than a year imprisonment may be prosecuted by Indictment or by Information.

UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF WEST VIRGINIA  
HUNTINGTON GRAND JURY 2009  
SEPTEMBER 23, 2009 SESSION

FILED

SEP 23 2009

TERESA L. DEPPNER, CLERK  
U.S. District Court  
Southern District of West Virginia

UNITED STATES OF AMERICA

v.

CRIMINAL NO.

5:09-00216

42 U.S.C. § 6928(d)(2)(A)  
18 U.S.C. § 2

RODNEY T. HOFFMAN

I N D I C T M E N T

The Grand Jury Charges:

COUNT ONE

(Storage of Hazardous Waste without a Permit)

Introduction

At all relevant times:

1. Defendant RODNEY T. HOFFMAN and Christopher Shawn Mills, not named herein as a defendant, operated an electroplating business at various locations in Raleigh County, West Virginia.

2. Defendant RODNEY T. HOFFMAN and Christopher Shawn Mills operated the business from approximately December 2004 to approximately October 2006 on Robert C. Byrd Drive in Beckley, Raleigh County, West Virginia, after moving it from another location.

3. Defendant and Christopher Shawn Mills moved their electroplating operation from the Robert C. Byrd Drive location in approximately October 2006 to Harper Road in or near Beckley, Raleigh County, West Virginia.

4. In the course of their electroplating business, defendant RODNEY T. HOFFMAN and Christopher Shawn Mills used a variety of

materials, including acids, solvents, and heavy metals, and generated hazardous wastes at both the Robert C. Byrd Drive and Harper Road locations.

5. Defendant RODNEY T. HOFFMAN and Christopher Shawn Mills did not obtain a permit from the West Virginia Department of Environmental Protection to store hazardous waste at either location.

6. As a result of the actions of defendant RODNEY T. HOFFMAN and Christopher Shawn Mills, the United States Environmental Protection Agency conducted cleanup actions under the Superfund program to remove the hazardous wastes generated by defendant's electroplating business from the Robert C. Byrd Drive and Harper Road locations.

7. Pursuant to the Resource Conservation and Recovery Act, 42 U.S.C. §§ 6901 et seq. ("RCRA"), the United States Environmental Protection Agency ("EPA") and the states regulated various types of solid wastes classified as hazardous wastes. RCRA made it a crime for a person knowingly to treat, store or dispose of hazardous waste without a permit. 42 U.S.C. §§ 6925, 6928(d)(2)(A).

#### RCRA VIOLATION

8. From on or about October 2006 through on or about February 21, 2007, at a location on Robert C. Byrd Drive in Beckley, West Virginia, in the Southern District of West Virginia, defendant RODNEY T. HOFFMAN aided and abetted by Christopher Shawn Mills, knowingly stored, and caused the storage of, listed or identified hazardous waste, including sulfuric acid and chromic

acid, at their business facility without a permit as required by RCRA.

In violation of Title 42, United States Code, Section 6928(d)(2)(A), and Title 18, United States Code, Section 2.

COUNT TWO

(Storage of Hazardous Waste without a Permit)

1. Paragraphs 1 through 7 of Count One are incorporated here as if fully set forth.

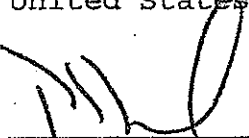
RCRA VIOLATION

2. From on or about January 2007 through on or about February 21, 2007, at a location on Harper Road in or near Beckley, West Virginia, in the Southern District of West Virginia, defendant RODNEY T. HOFFMAN aided and abetted by Christopher Shawn Mills, knowingly stored, and caused the storage of, listed or identified hazardous waste, including sulfuric acid and chromic acid, at their business facility, without a permit as required by RCRA.

In violation of Title 42, United States Code, Section 6928(d) (2) (A), and Title 18, United States Code, Section 2.

CHARLES T. MILLER  
United States Attorney

By:

  
\_\_\_\_\_  
PERRY D. MCDANIEL  
Special Assistant United States Attorney

PUBLIC INFORMATION RELEASE

UNITED STATES OF AMERICA

v.

Criminal No.

CHRISTOPHER SHAWN MILLS

An indictment was returned today by the Grand Jury for the United States Court for the Southern District of West Virginia meeting at Huntington charging the above defendant(s) with violation of federal law in connection with storage of hazardous waste without a permit.

Pertinent information concerning the defendant is set forth below:

DEFENDANT'S NAME Christopher Shawn Mills AGE 35

ADDRESS Beckley, WV

MARRIED /\_\_\_/ Yes /\_\_\_/ No Employer (if known)

INVESTIGATING AGENCY U.S. Environmental Protection Agency

CHARGES 42 U.S.C. § 6928(d)(2) & 18 U.S.C. § 2

POSSIBLE PENALTY 5 years, \$50,000 per day of violation for each count

CHARLES T. MILLER  
UNITED STATES ATTORNEY  
SOUTHERN DISTRICT OF WEST VIRGINIA

**PLEASE NOTE:** The Fifth Amendment and applicable Federal law gives a criminal defendant a personal right of Indictment by grand jury for Federal crimes punishable by more than one year imprisonment. An Indictment is a formal, written accusation by a grand jury. The defendant may waive the right to an Indictment, and, if waived, a Federal prosecutor may then charge by Information without grand jury involvement. Federal crimes punishable by less than a year imprisonment may be prosecuted by Indictment or by Information.

UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF WEST VIRGINIA  
HUNTINGTON GRAND JURY 2009  
SEPTEMBER 23, 2009 SESSION

FILED

SEP 23 2009

TERESA L. DEPPNER, CLERK  
U.S. District Court  
Southern District of West Virginia

UNITED STATES OF AMERICA

v.

CRIMINAL NO.

5:09-00215

42 U.S.C. § 6928(d)(2)(A)  
18 U.S.C. § 2

CHRISTOPHER SHAWN MILLS

I N D I C T M E N T

The Grand Jury Charges:

COUNT ONE

(Storage of Hazardous Waste without a Permit)

Introduction

At all relevant times:

1. Defendant CHRISTOPHER SHAWN MILLS and Rodney T. Hoffman, not named herein as a defendant, operated an electroplating business at various locations in Raleigh County, West Virginia.

2. Defendant CHRISTOPHER SHAWN MILLS and Rodney T. Hoffman operated the business from approximately December 2004 to approximately October 2006 on Robert C. Byrd Drive in Beckley, Raleigh County, West Virginia, after moving it from another location.

3. Defendant and Rodney T. Hoffman moved their electroplating operation from the Robert C. Byrd Drive location in approximately October 2006 to Harper Road in or near Beckley, Raleigh County, West Virginia.

4. In the course of their electroplating business, defendant, CHRISTOPHER SHAWN MILLS and Rodney T. Hoffman used a variety of

materials, including acids, solvents, and heavy metals, and generated hazardous wastes at both the Robert C. Byrd Drive and Harper Road locations.

5. Defendant CHRISTOPHER SHAWN MILLS and Rodney T. Hoffman did not obtain a permit from the West Virginia Department of Environmental Protection to store hazardous waste at either location.

6. As a result of the actions of defendant CHRISTOPHER SHAWN MILLS and Rodney T. Hoffman, the United States Environmental Protection Agency conducted cleanup actions under the Superfund program to remove the hazardous wastes generated by defendant's electroplating business from the Robert C. Byrd Drive and Harper Road locations.

7. Pursuant to the Resource Conservation and Recovery Act, 42 U.S.C. §§ 6901 et seq. ("RCRA"), the United States Environmental Protection Agency ("EPA") and the states regulated various types of solid wastes classified as hazardous wastes. RCRA made it a crime for a person knowingly to treat, store or dispose of hazardous waste without a permit. 42 U.S.C. §§ 6925, 6928(d)(2)(A).

#### RCRA VIOLATION

8. From on or about October 2006 through on or about February 21, 2007, at a location on Robert C. Byrd Drive in Beckley, West Virginia, in the Southern District of West Virginia, defendant CHRISTOPHER SHAWN MILLS aided and abetted by Rodney T. Hoffman, knowingly stored, and caused the storage of listed or identified hazardous waste, including sulfuric acid and chromic



acid, at their business facility without a permit as required by RCRA.

In violation of Title 42, United States Code, Section 6928(d)(2)(A), and Title 18, United States Code, Section 2.

COUNT TWO

(Storage of Hazardous Waste without a Permit)

1. Paragraphs 1 through 7 of Count One are incorporated here as if fully set forth.

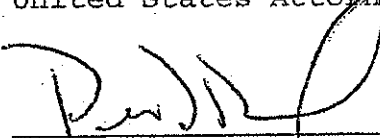
RCRA VIOLATION

2. From on or about January 2007 through on or about February 21, 2007, at a location on Harper Road in or near Beckley, West Virginia, in the Southern District of West Virginia, defendant CHRISTOPHER SHAWN MILLS aided and abetted by Rodney T. Hoffman, knowingly stored, and caused the storage of, listed or identified hazardous waste, including sulfuric acid and chromic acid, at their business facility without a permit as required by RCRA.

In violation of Title 42, United States Code, Section 6928(d)(2)(A), and Title 18, United States Code, Section 2.

CHARLES T. MILLER  
United States Attorney

By:

  
PERRY D. MCDANIEL  
Special Assistant United States Attorney

PUBLIC INFORMATION RELEASE

UNITED STATES OF AMERICA

v.

Criminal No.

CHARLES HARRISON NEACE

An indictment was returned today by the Grand Jury for the United States Court for the Southern District of West Virginia meeting at Huntington charging the above defendant with making and possessing machineguns.

Pertinent information concerning the defendant is set forth below:

DEFENDANT'S NAME Charles Harrison Neace AGE 29

ADDRESS 101 Sulphur Spring Road, Ranger, WV

MARRIED //Yes //No Employer (if known)

INVESTIGATING AGENCY ATF and WVSP

CHARGES 26 U.S.C. §§ 5861(f) and 5871; 18 U.S.C. §§ 922(o)(1)  
and 924(a)(2)

POSSIBLE PENALTY 40 years imprisonment; \$250,000 fine; 3 years SR

CHARLES T. MILLER  
UNITED STATES ATTORNEY  
SOUTHERN DISTRICT OF WEST VIRGINIA

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UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF WEST VIRGINIA  
HUNTINGTON GRAND JURY 2009  
SEPTEMBER 23, 2009 SESSION

**FILED**

SEP 23 2009

TERESA L. DEPPNER, CLERK  
U.S. District Court  
Southern District of West Virginia

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 3:09-00212

26 U.S.C. § 5861(f)

26 U.S.C. § 5871

CHARLES HARRISON NEACE

18 U.S.C. § 922(o) (1)

18 U.S.C. § 924(a) (2)

I N D I C T M E N T

The Grand Jury Charges:

COUNT ONE

At sometime between February 1, 2007, and May 30, 2009, at or near Ranger, Lincoln County, West Virginia, and within the Southern District of West Virginia, defendant CHARLES HARRISON NEACE did knowingly make a machinegun, as defined by 26 U.S.C. §§ 5845(a)(6) and (b), that is, a Bushmaster, Model XM15-E2S, .223 caliber, fully automatic rifle, serial number L408761, which was not registered to him in the National Firearms Registration and Transfer Record.

In violation of Title 26, United States Code, Sections 5861(f) and 5871.

COUNT TWO

At sometime between August 26, 2008, and May 30, 2009, at or near Ranger, Lincoln County, West Virginia, and within the Southern District of West Virginia, defendant CHARLES HARRISON NEACE did knowingly make a machinegun, as defined by 26 U.S.C. §§ 5845(a)(6) and (b), that is, a Mega Machine, Model Gator, multicaliber, fully automatic rifle, serial number MUR3399, which was not registered to him in the National Firearms and Registration Transfer Record.

In violation of Title 26, United States Code, Sections 5861(f) and 5871.

COUNT THREE

On or about May 28, 2009, at or near East Lynn, Wayne County, West Virginia, and within the Southern District of West Virginia, defendant CHARLES HARRISON NEACE did knowingly and unlawfully possess a machinegun, as defined in 18 U.S.C. § 921(a)(23) and 26 U.S.C. § 5845(b), that is, a Bushmaster, Model XM15-E2S, .223 caliber, fully automatic rifle, serial number L206619.

In violation of Title 18, United States Code, Sections 922(o)(1) and 924(a)(2).

COUNT FOUR

On or about May 30, 2009, at or near Ranger, Lincoln County, West Virginia, and within the Southern District of West Virginia, defendant CHARLES HARRISON NEACE did knowingly and unlawfully possess the following machineguns, as defined in 18 U.S.C. § 921(a)(23) and 26 U.S.C. § 5845(b), that is, a Bushmaster, Model XM15-E2S, .223 caliber, fully automatic rifle, serial number L408761 and a Mega Machine, Model Gator, multicaliber, fully automatic rifle, serial number MUR3399.

In violation of Title 18, United States Code, Sections 922(o)(1) and 924(a)(2).

CHARLES T. MILLER  
United States Attorney

By: 

LISA G. JOHNSTON  
Assistant United States Attorney

PUBLIC INFORMATION RELEASE

UNITED STATES OF AMERICA

v.

Criminal No.

JOSHUA W. SMITHSON

An indictment was returned today by the Grand Jury for the United States Court for the Southern District of West Virginia meeting at Huntington charging the above defendant with theft of a firearm from a business licensed to sell firearms.

Pertinent information concerning the defendant is set forth below:

DEFENDANT'S NAME Joshua W. Smithson AGE 26  
ADDRESS Route 3, Box 2052C, Wayne, WV  
MARRIED //Yes // No Employer (if known) \_\_\_\_\_  
INVESTIGATING AGENCY ATF and WVSP  
CHARGES 18 U.S.C. §§ 922(u) & 924(i)(1)  
POSSIBLE PENALTY 10 years imprisonment; \$250,000 fine; 3 years SR

CHARLES T. MILLER  
UNITED STATES ATTORNEY  
SOUTHERN DISTRICT OF WEST VIRGINIA

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UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF WEST VIRGINIA  
HUNTINGTON GRAND JURY 2009  
SEPTEMBER 23, 2009 SESSION

FILED

SEP 23 2009

TERESA L. DEPPNER, CLERK  
U.S. District Court  
Southern District of West Virginia

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 3:09-00213

18 U.S.C. § 922(u)

18 U.S.C. § 924(i)(1)

JOSHUA W. SMITHSON

I N D I C T M E N T

The Grand Jury Charges:

On or about December 1, 2008, at or near Wayne, Wayne County, West Virginia, and within the Southern District of West Virginia, defendant JOSHUA W. SMITHSON did knowingly steal and unlawfully take and carry away from the premises of a person who was licensed to engage in the business of importing, manufacturing, and dealing in firearms, the following firearm, that was in the licensee's business inventory and that had been shipped and transported in interstate and foreign commerce, that is, a Remington, model 7615, .223 caliber rifle.

In violation of Title 18, United States Code, Sections 922(u) and 924(i)(1).

CHARLES T. MILLER  
United States Attorney

By: 

LISA G. JOHNSTON  
Assistant United States Attorney

PUBLIC INFORMATION RELEASE

UNITED STATES OF AMERICA

v.

Criminal No.

JERRY DISMUKES

An indictment was returned today by the Grand Jury for the United States Court for the Southern District of West Virginia meeting at Huntington charging the above defendant with violation of federal law in connection with distribution and possession with intent to distribute 5 grams or more of cocaine base, also known as "crack."

Pertinent information concerning the defendant is set forth below:

DEFENDANT'S NAME JERRY DISMUKES AGE 37  
ADDRESS Detroit, MI  
MARRIED /\_\_\_/Yes /\_\_\_/ No Employer (if known) \_\_\_\_\_  
INVESTIGATING AGENCY MDENT  
CHARGES 21:841(a)(1)  
POSSIBLE PENALTY \_\_\_\_\_

CHARLES T. MILLER  
UNITED STATES ATTORNEY  
SOUTHERN DISTRICT OF WEST VIRGINIA

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UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF WEST VIRGINIA  
HUNTINGTON GRAND JURY 2009  
SEPTEMBER 23, 2009 SESSION

FILED

SEP 23 2009

TERESA L. DEPPNER, CLERK  
U.S. District Court  
Southern District of West Virginia

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 2:09-00214  
21 U.S.C. § 841(a)(1)

JERRY DISMUKES

I N D I C T M E N T

The Grand Jury Charges:

COUNT ONE

On or about September 4, 2009, at or near South Charleston, Kanawha County, West Virginia, and within the Southern District of West Virginia, defendant JERRY DISMUKES knowingly and intentionally distributed 5 grams or more of cocaine base, also known as "crack," a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1).

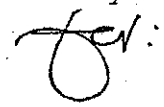
COUNT TWO

On or about September 4, 2009, at or near South Charleston, Kanawha County, West Virginia, and within the Southern District of West Virginia, defendant JERRY DISMUKES knowingly and intentionally possessed with intent to distribute 5 grams or more of cocaine base, also known as "crack," a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1).

CHARLES T. MILLER  
United States Attorney

By: 

 MONICA L. DILLON  
Assistant United States Attorney